

W. J. C.
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3 May 1985

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MEMORANDUM FOR: Chief, EPS [] DDO
[] DD/PA&E/OP
Associate General Counsel for Administrative
Law/OGC

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FROM: []
Deputy Chief, Legislation Division
Office of Legislative Liaison

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SUBJECT: Benefits for Government Employees Kidnapped or
Captured: Proposed Legislation (H.R. 2019)

1. The Office of Management and Budget has asked for our views on a bill which would provide special benefits to Government employees who are captured, kidnapped or deprived of their liberty as a result of hostile action directed against the United States.

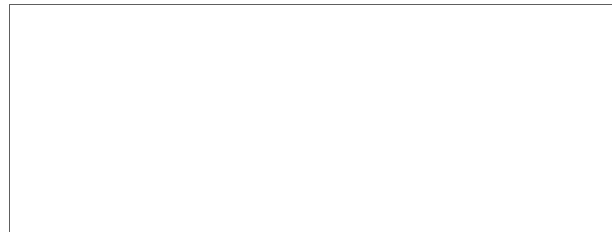
2. Congresswoman Schroeder introduced the bill which was referred to the Subcommittee on Civil Service of the House Post Office and Civil Service Committee. Mrs. Schroeder is the Chairperson of that Subcommittee and expects to move H.R. 2019.

3. Introduction of the bill was accompanied by a floor statement (a copy included herewith) explaining the bill. In this connection, it is well to note that H.R. 2019 picks up where the "Hostage Relief Act" leaves off, the latter having expired in 1981 by Executive Order. For comparative purposes a copy of the Hostage Relief Act is also attached.

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4. So that we may provide a timely reply to the Office of Management and Budget your response by May 10, 1985, would be appreciated.

Attachments
as stated



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LEG/OLL: [] (3 May 85)

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99TH CONGRESS
1ST SESSION

H. R. 2019

To amend title 5, United States Code, to provide certain benefits for Government employees and similarly situated individuals who are captured, kidnaped, or otherwise deprived of their liberty as a result of hostile action directed against the United States and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 1985

Mrs. SCHROEDER introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend title 5, United States Code, to provide certain benefits for Government employees and similarly situated individuals who are captured, kidnaped, or otherwise deprived of their liberty as a result of hostile action directed against the United States and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. BENEFITS FOR CAPTIVES AND OTHER VICTIMS OF**

4 **HOSTILE ACTION.**

5 (a) **IN GENERAL.**—Subchapter VII of chapter 55 of
6 title 5, United States Code, is amended by adding at the end
7 thereof the following:

April 4, 1985

CONGRESSIONAL RECORD — HOUSE

H 1911

steps at 4 o'clock this afternoon. We can only go forward.

REINTRODUCTION OF DEFENSE TARIFFS BILL

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, our trade deficit with Japan is out of hand. I continue to hear great tales of Japanese good intentions but nothing changes.

The fact is that it is no one's fault but our own that the Japanese do not trade fairly with us. We have never gotten tough. In fact, our military unilaterally protects their sealanes, insuring the free flow of Japanese products that flood our markets. The Japanese devote the same attention to sharing free world defense costs as they do to fair trade—very little.

It is time to stop talking and start acting. Today, my colleague, Mr. RITTER, and I are introducing the defense tariffs bill. This will give the President the power to impose tariffs on imports from Japan, NATO, and France to recover the amounts we spend on their defense.

Our aim is to provide the President with a new and powerful bargaining tool in negotiations with our allies, notably Japan, to arrive at fair trade and a more equitable allocation of the costs of defending the free world.

THE LID ABOUT TO BLOW ON TRADE DEFICITS

(Mr. HUCKABY asked and was given permission to address the House for 1 minute.)

Mr. HUCKABY. Mr. Speaker, I would like to commend the gentleman who just appeared in the well. I think he is right on the mark.

America is at the leading edge of technology in telecommunications. That is why Japan is dragging its feet to open up its market.

We have a tremendous deficit with the Japanese today. Japan says that we do not understand their system. We do not understand what they are doing.

I would suggest they do not understand us in America. We have been here for years being beat at the conference table in these trade negotiations, but the kettle has been brewing. The lid is about to blow off. America is tired of having Japan's doors closed to them while our doors are open to them.

Hopefully, we can make significant breakthroughs in telecommunications, not like they did last year on the great beef deal, where they let in very small amounts of beef into Japan.

America's rice farmers receive one-tenth of the amount the Japanese rice farmer receives for this rice, yet we are prohibited from selling rice in Japan. It is time we stood up and got tough with the Japanese.

NINETY-SECOND DAY OF NO REPRESENTATION FOR INDIANA'S EIGHTH DISTRICT

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, this marks the 92d day since Members of this body were sworn into the 99th Congress and the 92d day that the residents of Indiana's Eighth District have been without representation here in this body.

In a blatant disregard for Indiana election laws, the Democrats have refused to seat Rick McIntyre. What on earth did the half a million people of Indiana Eighth do to deserve this? They elected a Republican in a fair and complete election.

What do they get in return? No representation. Who do they turn to to represent their views, to fight for hometown interests? Who do they turn to for an academy nomination? Who did they turn to last week when we voted on the MX—a benchmark vote?

One thing they have received, the people of that district, is a lesson in the arrogance of the Democratic majority in this House. It is arrogant to deny Rick McIntyre his seat on the basis of informal and unsubstantiated challenges. It is arrogant to throw out an election when no fraud has been alleged and no formal contest has been filed. It is arrogant to ignore Indiana laws by setting up a recount under new rules, all in the name of the same old goal: Preserving the Democratic majority here.

If there is a ballot dispute, let us settle it fairly; but first, let us honor the obvious outcome and the obvious wishes of half a million people in Indiana Eight. Let us seat Rick McIntyre.

AMERICAN GOVERNMENT WORKERS PRIME GAME FOR TERRORISTS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, it is sad, horrible fact that people working for the American Government are sometimes considered prime game for terrorists, political extremists, drug dealers, and kooks. While most of the recent incidents have been directed against Americans working abroad, law enforcement officials in the United States have also been targets. The murder of two AID accountants on a hijacked Kuwaiti plane in Teheran last December, and the kidnap and murder of DEA agent Enrique Camarena Salazar are two of the latest incidents where Americans have been kidnapped or killed because they work for the U.S. Government.

Joseph Reed, writing in the March 26, 1985, Wall Street Journal, recites the chilling litany:

In the past 2 years, three embassies have been obliterated, 19 U.S. diplomats assassinated, and 59 other have been victims of terrorist attack.

And a State Department employee recently wrote to me,

[Government employees overseas, regardless of agency and whether they work in Africa, the Middle East, South America, or Paris, are terrorism targets purely because they are Government employees. Carrying a diplomatic or official passport can be an automatic death warrant.

We know that something has to be done to stop the carnage. The Foreign Affairs Committee has been pushing the administration for action on preventing terrorism. Yet, because terrorists strike without warning and in unpredictable ways, there is often little we can do until after the fact.

I am introducing legislation today which will provide benefits to U.S. Government employees who are taken captive as a result of their employment or who suffer from terrorist acts against the United States.

The legislation picks up from, and expands on, the temporary Hostage Relief Act we passed in 1980. This bill covers incidents whether they occur in Miami or Teheran. The bill amends title 5, United States Code, to provide compensation, health, and educational benefits to persons who are kidnapped or held captive as a result of hostile action directed against the United States, whether abroad or on American soil. Benefits are provided to employees and contractors of the Federal Government, and members of their families. The bill does not cover members of the Armed Forces because they are covered by other laws.

The bill has the following provisions:

First, where an employee is held as a captive, his or her pay will be deposited into an interest-bearing savings fund.

Second, captives and their families will receive payment for medical and health care expenses not covered by insurance, including psychological counseling or other needed care.

Third, the President is directed to make a cash payment to the individuals taken hostage in Iran on November 4, 1979, as well as to persons taken captive since that date. The President may consider the length of captivity and severity of treatment in determining the amount of the cash payment. A Presidential Commission recommended that the Iranian hostages receive \$12.50 a day for each of their 444 days of captivity. This money has never been paid.

Fourth, civil lawsuits and judgments against an individual are put on hold while that person is a captive.

Fifth, educational benefits for a spouse and children are provided, if the employee is held captive longer than 90 days. After release, the former captive may also be provided with educational benefits under certain circumstances.

H 1912

CONGRESSIONAL RECORD — HOUSE

April 4, 1985

We recognize that U.S. citizens are not the only victims of anti-American terrorism. Family members of employees and foreign nationals working for the United States abroad are often caught up in the same violence directed against their American employers. For example, 88 Lebanese were killed or injured in the two bombings of the American Embassy in Beirut.

The legislation provides compensation for such individuals who are killed or disabled as a result of a hostile act directed against the United States. There is an offset for any worker's compensation benefits provided locally that are funded in whole or in part by the United States.

I urge my colleagues to join me in supporting this legislation. The least we can do for those who have been taken captive is to make their lives a little easier when they are released. And we should establish permanent law on this subject, so we are not faced with politically charged and urgent decisions, as we were in 1980.

OILS WELL THAT ENDS WELL

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker—

OILS WELL THAT ENDS WELL¹

Now entrepreneurship is well,
But the state of the Union's not well.
In the guise of "free market,"
It's but a fat target
For those who buy short and then sell.
As corporate minions assemble,
The weak-kneed among them may tremble.
With management ducking,
The firm's ripe for plucking,
And vultures swoop in to dissemble.
As takeover plots go, it's easy;
The wooing of stockholders—breezy.
It's full speed ahead
'Til the company's bled.
The motive, not method, is sleazy.
Our energy needs notwithstanding,
There's often a lot of grandstanding.
Forget off-shore drilling,
The coffers need filling.
Reap profits before the crash landing.
So taxpayers wince at their lickin's;
Stockholders get mad as the dickens.
They find none too soon
That the new chief's no Boone,
Just their wallets are ripe for the Pickens.

□ 1140

MEDICARE IS SOLVENT

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, in February, President Reagan submitted a budget that continues to shift Medicare costs onto the backs of the elderly. There was nothing new about that.

Devastating Medicare cuts have been as constant as the changing seasons during the Reagan years. The adminis-

tration has argued time and again that the elderly must pay more for less because Medicare is swiftly going bankrupt.

Yet now we find that it is the administration's credibility that is going bankrupt. Last week, the Medicare trustees reported that the program is expected to remain solvent far longer than previously expected. In fact, while earlier estimates had projected a deficit by 1987, the latest estimates do not anticipate any serious difficulties until almost the turn of the century.

Now that is good news. No longer is there justification for depriving our elderly citizens of the health care coverage they earned through payroll contributions. We should pay serious attention to a long-term program of overall health care cost controls but we should forcefully reject the Reagan budget proposals that would continue to unfairly burden the elderly, who have already done more than their share to save Medicare.

NO REPRESENTATION IN INDIANA'S EIGHTH CONGRESSIONAL DISTRICT

(Mr. COBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COBEY. Mr. Speaker, I know that it has been disturbing to the majority leadership that we freshmen continue to come to the well to speak to the Rick McIntyre affair in the Indiana Eighth District. But until this injustice is rectified, we intend to continue to speak out.

I have here before me what is known as a congressional insert sent to my office by a Prof. William Tonso from the Eighth District of Indiana. A constituent can request that their Congressman insert something into the Record such as this material. But Professor Tonso has no Congressman to make this request.

This is an excellent article on the nature of gun control and crime in this Nation.

Rick McIntyre was elected to represent his constituents in the Eighth District. He is being denied his rightful place in this House even though he holds a certification for this seat. Consequently the constituents, over half a million of them, constituents like Prof. William Tonso, are being denied representation.

I would like to direct your attention to "Calling the Shots," a recent article by Prof. William Tonso, sociologist at the University of Evansville, IN. Professor Tonso exposes the biased and superficial nature of most of the reporting concerning "gun control" and crime in America. The article raises important questions regarding the debate on a crucial issue in a free society.

"Gun control" is one of the most hotly contested issues in American

politics. As a firm believer in the sanctity of the Constitution, I have always held that the right to keep and bear arms for self-protection and defense of the community is inviolable. Yet this right is continuously under attack from the gun prohibitionists and an elite, urban media. These media "elitists," as Professor Tonso calls them, believe that: guns, especially handguns, are evil in themselves; "all reasonable and informed Americans want to do something about the 'gun problem,'" and America is the only modern, urban, industrial nation without effective "gun control" laws. These perceptions result in an antigun bias permeating crime reports or news connected with firearms.

Although these assumptions held by the media have been shattered by impeccable research conducted during the past decade, the American public has never learned the truth. Scholarly research has been unable to penetrate the mass of antigun hysteria devoted to the "procontrol" position in the nation's media. In terms of sheer numbers, Professor Tonso points out that "procontrol information and arguments get 37 inches of print to every anticontrol inch in the print media and more than 7 minutes to every minute in the electronic media." Is there another issue of such importance that receive such slanted coverage?

Had the facts on "gun control" been reported in the major media, the debate about this subject would by now be closed. Professor Tonso points specifically to media blindness regarding the most comprehensive piece of research yet conducted on this subject: a 3-year study, entitled "Weapons, Crime and Violence in America: A Literature Review and Research Agenda," undertaken through a grant from the Justice Department's National Institute of Justice. Ironically, Prof. James Wright and Peter Rossi began this study accepting the procontrol position espoused by the media. By the time they completed their review and analysis of all existing research on the issue, they had backed away from their earlier positions.

The facts uncovered by Professors Wright and Rossi undermine the distorted assumptions held by the media and the antigun lobby. There is no evidence of a domestic "arms race" in response to a fear of crime. Contrary to what has been reported, there is no conclusive evidence linking gun ownership to crime. Although antigun forces would have us believe otherwise, there is little public support for handgun bans or harsh restrictions on gun ownership. Of the 20,000 existing gun laws in this country, there is little evidence to suggest that any have reduced violent crime. Finally, these eminent sociologists, after 3 years of exhaustive research, concluded that: "The prospects for ameliorating the problem of criminal violence through stricter controls

¹ With apologies to Curly, Larry, and Moe.